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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 09/457,839
Filing Date: December 09, 1999
Appellant(s): BUI, HONG Q

JUN 2 6 2007

GROUP 3600

Ronald J. Schoenbaum, Reg. No. 38,297
Knobbe, Martens, Olson & Bear, LLP
For Appellant

EXAMINER'S ANSWER

The Examiner's Answer mailed April 10, 2007 is hereby vacated and the following

issued in its place:

This is in response to the appeal brief filed October 23, 2006 appealing from the Office

action mailed October 21, 2005.

(1)   Real party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings that will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,092,053	Boesch et al	07-2000
6,327,578	Linehan	12-2001
Provisional Patent	Foster, Chuck;	filed 11/01/1999
Application 60/162,651		

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 36-39, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Foster (US 6,322,134, prov. Appl. 60/162,651). Please note that for purposes of

this rejection, cites to Foster are to the provisional application, a copy of which is

included with this action.

Regarding claims 36-39, 41-42, and 66 –

Foster teaches a server-side system, 3rd party-transaction system called

CardFort.

Instead of sending the merchant the credit card information, this system sends the

merchant information to the credit card issuer. However, this system still reads on claim

36 in the following way. The consumer registers with the "CardFort" server (residing

with the financial institution) including credit card account and shipping address. All

merchants who accept "CardFort" payments have a button at the website at checkout.

If the consumer selects this option, the merchant sends purchase to either the

consumer (who forwards it to the financial institution) or directly to the financial institution. If the purchase is authorized, the CardFort system sends the merchant the consumer's shipping information and the product is shipped as indicated in the consumer information. Purchase history is stored on all three servers (consumer, merchant, financial institution). (e.g. pg 1 ln 30 – pg 3 ln 2). It would be obvious to one of ordinary skill in the art to adapt the teachings of foster to obtain the present invention.

Claims 44-45 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (US 6,092,053) in view of Linehan (US 6,327,578).

Boesch teaches a server-side wallet system that stores consumer information and sends it to a merchant to allow processing. It stores purchase history as a profile to be used for customized web pages and targeted marketing. (e.g. col 2 ln 21 – col 4 ln 54).

Linehan discloses registering consumer information including the consumer's credit card number with a wallet system (i.e. the issue gateway) and the issuer gateway sends the consumer's credit card reference number to the merchant who uses it to finish the purchase transaction. This reference also teaches the advantages of storing all transaction histories on the wallet server (i.e. issuer gateway). (e.g. col 3 ln 66 – col 4 ln 57).

It would be obvious to one of ordinary kill in the art to combine the teaching of Boesch and Linehan in order to obtain greater security with greater ease for the user in the processing of online transactions.

Claims 46-52 and 60-64 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Katis (US 6,601,761).

Katis discloses an electronic wallet server that is co-branded. The co-branding is
not significant for the purposes of this application. The consumer registers consumer
information including payment information in the wallet server. The consumer selects to
pay with wallet system and consumer's information is sent to the merchant. (e.g. col 1
ln 63-67, and col 2 ln 8 – col 4 ln 31). This reference does not specifically state that a
purchase history is kept. However, official notice is taken that considering this system
also has rewards issued, and considering that all transaction systems keep purchase
history, it would be either inherent or obvious over the teaching.

(10) Response to Argument

First Issue

Appellant argues, with respect to claims 36-39, that the Foster provisional does
not teach or suggest "wherein the server system maintain s a log of purchases made by
the registered user from each of a plurality of merchant web sites, uses the log to
generate an interests profile for the registered user, and disseminates the interests
profile to the merchant web sites to provide personalized content to the registered user."
Foster, however, does refer to a "history of all CardFort purchases is maintained on the
consumer's computer." (page 6 ln 5-7). Also, "(b)ecause the transaction is tied to the
CardFort ID number, the card company can enroll any cardholder in specific affinity or
reward programs. Processing savings and fraud reduction will allow more scope for
rewards." (page 7 ln 25-28). Further there is disclosed a "CardFort data base for

logging web purchases for the cardholder's use. The CardFort data base also serves as

the launch pad for data to the card company". (page 6 ln 17-18, where CardFort is an

electronic wallet). Additionally the "order is saved to the merchant's database." (page 3

ln 23). Thus, if the CardFort system is enrolling cardholders in specific affinity or

incentives programs, it must be maintaining a log and generating a personal profile to

do so.

    Second Issue

    Appellant argues, with respect to claims 41, 42, and 66, that the Foster

provisional does not teach or suggest "wherein the server system maintain s a log of

purchases made by the registered user from each of a plurality of merchant web sites,

uses the log to generate an interests profile for the registered user, and disseminates

the interests profile to the merchant web sites to provide personalized content to the

registered user." Foster, however, does refer to a "history of all CardFort purchases is

maintained on the consumer's computer." (page 6 ln 5-7). Also, "(b)ecause the

transaction is tied to the CardFort ID number, the card company can enroll any

cardholder in specific affinity or reward programs. Processing savings and fraud

reduction will allow more scope for rewards." (page 7 ln 25-28). Further there is

disclosed a "CardFort data base for logging web purchases for the cardholder's use.

The CardFort data base also serves as the launch pad for data to the card company".

(page 6 ln 17-18, where CardFort is an electronic wallet). Additionally the "order is

saved to the merchant's database." (page 3 ln 23). Thus, if the CardFort system is

enrolling cardholders in specific affinity or incentives programs, it must be maintaining a

log and generating a personal profile to do so.

Third Issue

Appellant argues, with respect to claim 44, that nothing in the Boesch reference

teaches or suggests "generating an interests profile that reflects said purchase made by

the first user from the plurality of online merchants; and transmitting the interests profile

of the first user to a web site system of at least one online merchant to allow the online

merchant to provide personalized web site content to the first user." Boesch, however,

does refer to "a consumer data structure that stores purchasing information for

registered consumers. The software is able to access the consumer data structure and

enter the consumer's purchasing information during subsequent purchases." (abs).

Additionally, "(a) further object of the present invention is to allow consumer information

to be provided to merchants using payment systems from various service providers".

(col 2 ln 52-54). Also, "(a) further object of the present invention is to use the

architecture of the consumer information server to aid the consumer in distributing all

manner of information, not just purchase/money information, to a variety of recipients

when those recipients are to receive essentially the same information from one recipient

to the next". (col 2 ln 55-61) Further, "(a) further object of the present invention is to

provide a mechanism for direct marketing to consumer wallet holders immediately

before, during, or after completion of a transaction using a wallet". (col 2 ln 62-65).

"Thus allowing the merchant to "recognize" a consumer and provide customer-specific

messages, displays, and offers.. . . in accordance with a profile created by the CIS

software."   (col 4 ln 44-49) Thus, purchase information is stored in order for merchants
to provide direct or personalized marketing to consumers.

With respect to claim 45, applicant argues that nothing in either Boesch or
Linehan teaches or suggests "wherein the interests profile is transmitted to the web site
system in response to use by the first user of the electronic wallet service to make a
purchase from the web site system." However, Boesch discloses wherein "CIS software
can tailor its communication with the consumer's computer in accordance with a profile
created by the CIS software. The profile is based upon preferences chosen by the
consumer or created by the CIS software based on the consumer's behavior, from
preferences chosen by the merchant, by a branding party, or the like". Col 4 ln 47-54).

Fourth Issue

Appellant argues, with respect to claim 67, that Boesch and Linehan do not,
individually or in combination disclose or suggest "when a browser running on the
computer of the user retrieves the web page from the web site and sends a resulting
request for the graphic to the server, responding to the request by at least: (a) using the
cookie transmitted with the request to identify the name of the user, (b) incorporating the
name of the user into an instance of the object, and (c) returning the instance of the
object to the user computer for display within the web page."

However, in Boesch, " the process starts with a consumer requesting a
merchant's offer 200 from a merchant. In response to the consumer's request, the
merchant's computer responds by sending a browser readable file and the merchant's
offer to the consumer's computer 202. The consumer's browser processes the browser

readable file and sends the merchant's offer and a message to the CIS 204." (col 6 ln

61-65 the browser running on the computer of the user retrieves the web page from the

web site and sends a resulting request for the graphic to the server). Also, "(t)he

message sent from the consumer's browser to the CIS indicates whether the browser

contains a browser identifier. In the preferred embodiment, the browser identifier is a

cookie." (col 7 ln 14-17) Further, Boesch discloses a "consumer data structure 146

which stores consumer information which can be used in future transactions, merchant

data structure 148 which stores information pertaining to different merchants, consumer

transaction log 150 which stores information pertaining to the transactions for registered

consumers, and merchant transaction log 152 which stores information pertaining to

transactions for registered and non-registered consumers." (col 5 ln 35-42) "Consumer

data structure 146 stores label-value pairs relating to consumers, including consumer

100, that have completed the registration process with the operator of CIS 140. The

label-value pairs in consumer data structure 146 represent information that is

necessary, and may include information that is useful to complete a transaction. The

purchasing information can include the customer's name, billing address, shipping

address, and credit card number, however this information should not be construed as a

limitation. The useful information can also include email, telephone numbers, facsimile

numbers, and user preference data (regarding shipping address, shipping method, and

related data), however this information should not be construed as a limitation." (Boesch

at col 6 ln 35-45).

Additionally, Boesch discloses "(t)he CIS software receives and processes the message to determine if the consumer's browser contains an identifier which identifies a consumer that matches a data entry in a file in the consumer data structure of the CIS 206. The CIS software determines whether a single user or multiple users have used the consumer's browser 208 by checking the consumer data structure. If the CIS software identifies more than one user, the CIS software will select a user based on a selection criteria generated by the operator of the CIS". (col 7 ln 18-27, where the consumer name is being attached or associated with the object).

With respect to claim 68, applicant argues that nothing in the cited prior art teaches or suggests "wherein the instance of the object comprises a single-action purchase object that is adapted to be selected by the user to complete a purchase of an item represented within the web page." However, Boesch discloses "If the consumer is known to the CIS software, the CIS software takes information contained in the merchant's offer, formats the information to allow the consumer's browser to display the merchant's offer, and sends the merchant's offer to the consumer's computer where the merchant's offer is displayed by the consumer's browser within the area reserved for the wallet within the merchant's Web page". (col 3 ln 43-50).

With respect to claim 69, applicant argues that nothing in the cited prior art teaches or suggests "wherein the object is a graphic". However, Boesch discloses "The CIS software returns a message to the consumer's browser and instructs the consumer's browser to display a graphic within an area reserved for the wallet within the

merchant's Web page. The content of this graphic depends on whether or not the

consumer is known to the CIS software". (col 3 ln 37-43).

Fifth Issue

With respect to claim 46, applicant argues that nothing in Katis discloses or

suggests "providing, in a web page of the merchant web site and in conjunction with a

description of a purchasable item, a reference to a graphic served by the information

service server, such that when a browser running on the computer of the user retrieves

the web page, the browser is caused to request the graphic from, and transmit the

cookie to, the information service server; and at the information service server, in

response to receiving the cookie and a request for the graphic from the computer of the

user, returning to the computer of the user a single-action purchase graphic indicating

that the item may be purchased with a single selection action, said single-action

purchase graphic being selectable by the user to purchase the item". Katis, however

discloses that "(i)n order to make a payment using the co-branded electronic payment

platform for an embodiment of the present invention, the user invokes the co-branded

electronic wallet application, and a co-branded electronic wallet window is displayed for

the user by the wallet server. The user enters a selection to make the payment with the

user's payment information stored by the wallet server, and the wallet server

automatically sends the user's payment information to a merchant's website server for

the user. The payment information sent by the wallet serve includes, for example, the

user's stored credit card, debit card, checking, or savings account related information or

the stored digital payment tokens pre-allocated for the user from the user's credit card,

debit card, checking, or savings account'. (col 3 ln 58-col 4 ln4).

Also, with respect to single action buying in claim 46, "when the consumer 2

invokes the co-branded electronic wallet, and the browser on the consumer's PC 4

opens up the window 14 and serves up the wallet outside the frame in which the

consumer 2 is shopping, the consumer 2 is able to pay the merchant for the goods or

services with the consumer's tokens stored in the electronic cash purse server 24 the

co-branded electronic wallet. Instead of checking to confirm, for example, whether or

not there is sufficient credit on the consumer's credit card account at the time of the

transaction, it is done prior to the time of the transaction, and only the authenticity of the

tokens is checked at the time of the purchase." (Katis at 9 ln 25-35). Thus, only the

action of choosing to pay is disclosed, not a chain of actions on the part of the

consumer.

With respect to claim 47, applicant argues that nothing in Katis teaches or

suggests "wherein the single-action purchase graphic includes a name of the user."

However, in figure 6 of Katis, "the consumer 2 at the consumer's PC 4 accesses and

engages in a dialog with the merchant's website server 10 and decides to purchase

goods or services. At S6, the merchant's website server 10 presents the consumer 2,

for example, with an amount to pay and a transaction identifier. At S7, the consumer 2

invokes the co-branded electronic wallet storing the consumer's credit card information,

and at S8, the financial institution's wallet server 6 serves up the electronic wallet

directly within the browser of the consumer's PC 4, for example, at the merchant's

website". (col 8 ln 46-56, where credit card information, includes, inter alia, the

consumer's name). Further, "if the consumer 2 does not already have an account, a

space is provided on the website for input of credit card information, name, address,

and the like." (Katis at col 6 ln 37-40).

        With respect to claim 48, applicant argues that nothing in Katis discloses or

suggests, that the single-action purchase graphic includes a field for the user to enter a

password to be submitted to the information service server." However, Katis discloses

"subsequently the consumer 2 needs only to enter a password without re-entering the

information." (col 6 ln 40-42).

        With respect to claim 49, applicant argues that nothing in Katis teaches or

suggests "the web page is encoded such that, when the user selects the single-action

purchase graphic, a merchant identifier and an identifier of the item are transmitted from

the computer of the user to the information service server." However, Katis discloses

"the consumer 2 at the consumer's PC 4 accesses and engages in a dialog with the

merchant's website server 10 and decides to purchase goods or services. At S6, the

merchant's website server 10 presents the consumer 2, for example, with an amount to

pay and a transaction identifier. At S7, the consumer 2 invokes the co-branded

electronic wallet storing the consumer's credit card information, and at S8, the financial

institution's wallet server 6 serves up the electronic wallet directly within the browser of

the consumer's PC 4, for example, at the merchant's website." (col 8 ln 47-56).

        Regarding claim 50, applicant argues that nothing in Katis discloses or suggests

"at the information service server, responding to user selection of the single-action

purchase graphic by transmitting name and payment information of the user to the computer of the merchant web site." However, Katis discloses wherein "The consumer selects goods or services that the consumer wishes to purchase, and the merchant may provide the consumer with an order or payment form to fill out, which asks for payment information, such as a credit card number, expiration date, and shipping information. Typically, the consumer types in the information needed by the merchant each time the consumer wishes to place an order. An electronic wallet enables the user to avoid typing in such information over and over again by storing the consumer's information, such as the consumer's credit card information and preferred shipping information in the electronic wallet." (col 1 In 56-67, showing how an electronic wallet such as in Katis sends name and payment information without the consumer having to type it in.)

Regarding claim 51, applicant argues that nothing in Katis discloses or suggests "at the information service server, responding to user selection of the single-action purchase graphic by transmitting shipping address information of the user to the computer of the merchant web site." However, Katis discloses wherein "The consumer selects goods or services that the consumer wishes to purchase, and the merchant may provide the consumer with an order or payment form to fill out, which asks for payment information, such as a credit card number, expiration date, and shipping information. Typically, the consumer types in the information needed by the merchant each time the consumer wishes to place an order. An electronic wallet enables the user to avoid typing in such information over and over again by storing the consumer's information, such as the consumer's credit card information and preferred shipping information in the

electronic wallet." (col 1 ln 56-67, showing how an electronic wallet such as in Katis

sends shipping address information without the consumer having to type it in.)

Regarding claim 62, applicant argues that nothing in Katis teaches or suggests

"at the information service server, responding to user selection of the single-action

purchase graphic by charging the user for the item." However Katis discloses wherein

"the wallet server automatically sends the user's payment information to a merchant's

website server for the user. The payment information sent by the wallet serve includes,

for example, the user's stored credit card, debit card, checking, or savings account

related information or the stored digital payment tokens pre-allocated for the user from

the user's credit card, debit card, checking, or savings account." (col (col 3 ln 63 – col 4

ln 4).

Regarding claim 63, applicant argues that nothing in Katis teaches or suggests

"at the server, responding to user selection of the image by transmitting at least the

name and payment information of the user to the web site." However, Katis discloses

wherein "The consumer selects goods or services that the consumer wishes to

purchase, and the merchant may provide the consumer with an order or payment form

to fill out, which asks for payment information, such as a credit card number, expiration

date, and shipping information. Typically, the consumer types in the information needed

by the merchant each time the consumer wishes to place an order. An electronic wallet

enables the user to avoid typing in such information over and over again by storing the

consumer's information, such as the consumer's credit card information and preferred

shipping information in the electronic wallet." (col 1 ln 56-67, showing how an electronic

wallet such as in Katis sends name, payment information and shipping address
information without the consumer having to type it in.)

Regarding claim 64, applicant argues that nothing in Katis teaches or suggests
"at the server, responding to user selection of the image by charging the user for an
item represented within the web page." However Katis discloses wherein "the wallet
server automatically sends the user's payment information to a merchant's website
server for the user. The payment information sent by the wallet serve includes, for
example, the user's stored credit card, debit card, checking, or savings account related
information or the stored digital payment tokens pre-allocated for the user from the
user's credit card, debit card, checking, or savings account." (col (col 3 ln 63 – col 4 ln
4).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the
Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Cristina Owen Sherr

June 8, 2007

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Conferees:

Andrew Fischer

Kambiz Abdi

TABLE 1 – Claim 36 and Foster (60152651)

Clause No.	Claim 36	Foster (60152651)
1	A system for providing a server-side wallet service, the system comprising: a service web site that provides functionality for users to register with the wallet service and to provide customer information and authentication information for use of the wallet service	Page 5 ln 10-20 e-wallet or CardFort=Wallet service
2	said customer information including payment information for making purchases from merchant web sites that support customer use of the wallet service; and a server system that authenticates registered users of the wallet service and disseminates the customer information of the registered users to the merchant web sites in response to user requests, the server system thereby allowing registered users of the wallet service to make purchases from the merchant web sites using previously-specified customer information;	Page 5 ln 10-22 pre-existng account=checking account
3	wherein the server system is responsive to a request to transfer the customer information of a registered user to a selected merchant web site by at least (1) using	The merchant is already or becomes authorized to accept payment utilizing the card company's instrument apart from the invention. The merchant registers as a CardFort web site. As a CardFort website, the merchant receives a selection of

Clause No.	Claim 36	Foster (60152651)
	the authentication information of the registered user to authenticate the registered user, and (2) if the registered user is successfully authenticated, sending customer information of the registered user to the selected merchant web site to permit the merchant web site to transact a sale to the registered user, whereby the system enables the registered user to make a purchase from the selected merchant web site without having a preexisting account with the selected merchant web site;	computer code for its website to recognize consumers using a CardFort plugin and containing brand logos, etc. Optionally, a CardFort data base may be provided to receive non-internet orders from CardFort catalogs. A unique CardFort Merchant ID is issued and contained within the computer code. Page 5 ln 1-9, fig 1 page 3 ln 12-23
4	and wherein the server system maintains a log of purchases made by the registered user from each of a plurality of merchant web sites, uses the log to generate an interests profile for the registered user, and disseminates the interests profile to the merchant web sites to allow the merchant web sites to provide personalized content to the registered user	CardFort data base for logging web purchases for the cardholder's use. The CardFort data base also serves as the launch pad for data to the card company; Page 6 ln 17-20, Because the transaction is tied to the CardFort ID number, the card company can enroll any cardholder in specific affinity or reward programs. page 7 ln 25-28